

Case: DDC, LLC and Soledad Properties Idaho, LLC v. Robert Rubio and Rubio Investment, LLC (09-90218-LT)

(In re Robert Joseph Rubio and Linda Ellen Rubio, Bk. 09-02136-LT7)

Hearing Date/Time: February 24, 2011 at 9:30 a.m.

**2. MOTION FOR MONETARY SANCTIONS AND OTHER RELIEF UNDER FRCP 7037**

Dept. 3 Tentative:

Grant.

Plaintiffs' objections to the Second Set of Interrogatories were seven weeks late and came only after Defendant complied with his meet and confer requirements and filed a motion seeking to compel response and to obtain monetary sanctions. Plaintiffs fail to demonstrate good cause for their untimely response; their objections are waived. See FRCP 33(b)(4); FRBP 7033. The interrogatory is not identical to a prior request and is not so grossly overbroad that the Court would excuse Plaintiffs' failure to respond.

Plaintiffs must respond. Sanctions in the amount of \$1,200 appear appropriate.

This determination is without prejudice to Plaintiffs' right to argue relevance issue at trial.

**3. ORDER TO SHOW CAUSE RE: DISMISSAL FOR LACK OF PROSECUTION**

Hear. Based on Plaintiffs' timely response, Court's current intent is to determine that neither dismissal nor monetary sanction is appropriate.